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United States District Court

Eastern District of Michigan

Southern Division

F I L E D

MAY 24 2023

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CLERK'S OFFICE
DETROIT

United States of America

v.

Case No: 23-20152

Jack Eugene Carpenter III

Defendant

Hon. Mack A Goldsmith

/

Motion to dismiss Indictment for
lack of subject matter jurisdiction

The indictment states plainly that the accused "knowingly transmitted in interstate commerce a communication." This shows that the federal government is trying to exercise the commerce power, which is not a police power. The commerce power to regulate commerce amongst the States is a valid power the federal government possesses. I am, however, drawing a blank as to how this particular commercial regulation 18 U.S.C. § 875(c) can be utilized as a regulation of commerce and not a traditional public safety police power traditionally retained by the Several States. But lets assume this isn't the same as 18 USC 922 where the people administering Federal law pretend they aren't slapping the words "interstate commerce" on a public safety criminal statute and making up absurd false logic arguments to pretend they aren't spitting on the Constitution.

due to their desire to punish, and expand federal jurisdiction to maintain a police power in State jurisdiction. It's obvious to any rational human being that is what is happening, but let's pretend it isn't, that this law is somehow a regulation of commerce. Let's also pretend that the judiciary isn't tasked with the role of noticing this abuse of Constitutional law, and denying it instead of stretching logic in a ridiculous way to say: "no, it's not a police power..." It doesn't fool anyone, but it seems to operate that way, nonetheless. But since I know this is a coveted lie and abuse of power, I will simply argue that it is being unconstitutionally applied.

I've exchanged nothing of monetary value to utilize twitter. I've seen the argument that the data travels to a hub out of state, and then back into the State as justification to support its application to a purely intrastate communication. This is also absurd logic. It's the equivalent of saying that if I drive my car from Texas to Nevada and spray paint a threat on some building in a subdivision; then someone drives from Michigan to Nevada to read it, then it's commerce. Highways were used, and state lines were crossed. Highways have commerce so...

This logic is absurd. I don't expect the judicial branch to heed this truth and curb the abuse of this power. But I'm going to make the argument anyway.

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